

## **REMARKS**

In view of the above amendments and the following remarks, further examination and reconsideration of the rejections in the Office Action of March 2, 2009 are respectfully requested.

By this amendment, claims 1-19 are canceled without prejudice or disclaimer to the subject matter contained therein, and claims 20-35 are added. Thus, claims 20-35 are now pending in the application.

On pages 2 and 3 of the Office Action, claims 17 and 18 are rejected under 35 U.S.C. § 101 as directed to non-statutory subject matter. This rejection is believed moot in view of the cancellation of claims 17 and 18. Further, new claims 20-35 have been drafted so as to be directed to statutory subject matter. Accordingly, this rejection is believed inapplicable to the new claims.

On pages 3-10 of the Office Action, claims 1-19 are rejected under 35 U.S.C. §102(e) as being anticipated by Akamatsu et al. (U.S. 7,224,886). The rejection of claims 1-19 is believed moot in view of their cancellation. Further, new claims 20-35 have been drafted to further distinguish the present invention over the prior art. Accordingly, this rejection is believed inapplicable to claims 20-35 for the reasons below, and withdrawal of the rejection is respectfully requested.

Claim 20 recites a recording device including (1) a receiving unit configured to receive a record instruction including information showing a recording format, (2) a judging unit configured to determine, with reference to prestored first capability information that relates to a recording capability of the recording device and includes information showing a recording format in which the recording device is capable of recording, whether the recording device satisfies predetermined conditions, which include at least a first recording condition of whether recording can be performed in the recording format shown by the record instruction, and (3) a selecting unit configured to select an external device that satisfies predetermined conditions including at least the first recording condition if the judging unit determines that the predetermined conditions are not satisfied by the recording device. Such a recording device is not disclosed by Akamatsu.

In a case where the recording device recited in claim 20 is not capable of recording in a specified recording format, the recording device selects an external device that is capable of recording in the specified recording format. By conveying the record instruction to the selected external device, the above recording device effectively allows the user to watch the broadcast program that has been recorded in the recording format the user desires.

Akamatsu discloses an input device that can select a usable related device out of a plurality of related devices connected to a bus. The input device disclosed in Akamatsu can select a related device that (i) is usable during a specified recording time period, and (ii) has the capacity required to record data during the specified recording time period (see column 2, lines 50-63). However, Akamatsu neither discloses nor suggests referring to a recording format as a criterion for selecting the usable related device. Thus, Akamatsu does not disclose a receiving unit configured to receive a record instruction including information showing a recording format.

Further, Akamatsu does not disclose a judging unit as recited in claim 20 because Akamatsu is silent as to a recording format, and thus cannot disclose determining, with reference to prestored first capability information that includes information showing a recording format in which the recording device is capable of recording, whether the recording device satisfies predetermined conditions.

Last, Akamatsu also does not disclose a selecting unit as recited in claim 20 because Akamatsu is silent as to a recording format, and thus cannot disclose selecting an external device that satisfies the predetermined conditions if the judging unit determines that the predetermined conditions are not satisfied by the recording device.

Thus, Akamatsu does not disclose or render obvious a recording device as recited in claim 20. It is submitted that claim 20 is allowable over the prior art of record, as are claims 21-25 depending therefrom.

Claim 26 recites a proxy-recording device including (1) a capability-disclosing unit configured to convey, to an external device, capability information that relates to a recording capability of the proxy-recording device and includes information showing a recording format in which the proxy-recording device is capable of recording, (2) a proxy-receiving unit configured

to receive a record instruction specifying a processing content for recording a broadcast program from an external device, the record instruction including the recording format, and (3) a proxy-recording unit configured to (i) receive the broadcast program according to the received record instruction, and (ii) record the received broadcast program to a recording medium in the recording format. Such a proxy-recording device is not disclosed by Akamatsu.

The proxy-recording device recited in claim 26 can record a broadcast program in a recording format included in the record instruction that has been received from an external device. Accordingly, the proxy-recording device allows the user to watch a broadcast program which has been recorded in the recording format the user desires.

As discussed above, Akamatsu discloses an input device capable of selecting a related device that (i) is usable during the specified recording time period, and (ii) has the capacity required to record data during the specified recording time period. However, Akamatsu neither discloses nor suggests including a recording format in the instruction from the input device. Thus, Akamatsu does not disclose a capability-disclosing unit configured to convey, to an external device, capability information that relates to a recording capability of the proxy-recording device and includes information showing a recording format in which the proxy-recording device is capable of recording.

Further, Akamatsu does not disclose a proxy-receiving unit configured to receive a record instruction including the recording format, and does not disclose a proxy-recording unit configured to (i) receive the broadcast program according to the received record instruction (which includes the recording format), and (ii) record the received broadcast program to a recording medium in the recording format.

Thus, Akamatsu does not disclose or render obvious a proxy-recording device as recited in claim 26. It is submitted that claim 26 is allowable over the prior art of record, as are claims 27-30 depending therefrom.

Claims 31-35 recite similar limitations to claims 20 and 26. Accordingly, claims 31-35 are believed allowable over the prior art of record for similar reasons to the above.

In view of the foregoing amendments and remarks, it is respectfully submitted that the present application is clearly in condition for allowance. An early notice thereof is earnestly solicited.

If, after reviewing this amendment, the Examiner feels that there are any issues remaining which must be resolved before the application can be passed to issue, it is respectfully requested that the Examiner contact the undersigned by telephone in order to resolve such issues.

Respectfully submitted,

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